

STAYED,TYPE I-FOIA

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-01621-TSC**

FIX THE COURT v. U.S. NATIONAL ARCHIVES AND
RECORDS ADMINISTRATION
Assigned to: Judge Tanya S. Chutkan
Cause: 05:552 Freedom of Information Act

Date Filed: 07/10/2018
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

FIX THE COURT

represented by **Austin Ridgely Evers**
AMERICAN OVERSIGHT
1030 15th Street, NW
Suite B255
Washington, DC 20005
(202) 869-5245
Fax: (202) 871-6523
Email: austin.evers@americanoversight.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Elizabeth France
AMERICAN OVERSIGHT
1030 15th Street, NW
Suite B255
Washington, DC 20005
(202) 897-2465
Fax: (202) 871-6523
Email: beth.france@americanoversight.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Katherine Marie Anthony
AMERICAN OVERSIGHT
1030 15th Street, NW
Suite B255
Washington, DC 20005
(202) 897-3918
Fax: (202) 871-6523
Email: katherine.anthony@americanoversight.org
PRO HAC VICE
ATTORNEY TO BE NOTICED

V.

Defendant

**U.S. NATIONAL ARCHIVES AND
RECORDS ADMINISTRATION**

represented by **Elizabeth J. Shapiro**
U.S. DEPARTMENT OF JUSTICE
Civil Division, Federal Programs Branch
1100 L Street, NW
Washington, DC 20530
(202) 514-5302
Fax: (202) 616-8470
Email: Elizabeth.Shapiro@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Rebecca Michelle Kopplin
UNITED STATES DEPARTMENT OF
JUSTICE

Civil Division
 1100 L St. NW
 Washington, DC 20005
 (202) 514-3953
 Email: rebecca.m.kopplin@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
|------------|----------|--|
| 07/10/2018 | <u>1</u> | COMPLAINT against NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (Filing fee \$ 400 receipt number 0090-5578881) filed by FIX THE COURT. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons, # <u>3</u> Summons, # <u>4</u> Summons)(France, Elizabeth) (Entered: 07/10/2018) |
| 07/10/2018 | <u>2</u> | LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by FIX THE COURT (France, Elizabeth) (Entered: 07/10/2018) |
| 07/10/2018 | | Case Assigned to Judge Tanya S. Chutkan. (zjd) (Entered: 07/10/2018) |
| 07/10/2018 | <u>3</u> | SUMMONS (3) Issued Electronically as to U.S. NATIONAL ARCHIVES AND RECORDS ADMINISTRATION, U.S. Attorney and U.S. Attorney General/ (Attachment: # <u>1</u> Notice and Consent)(zjd) (Entered: 07/10/2018) |
| 07/16/2018 | <u>4</u> | WITHDRAWN PURSUANT TO ENTRY <u>2</u>MOTION for Preliminary Injunction by FIX THE COURT (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Declaration of Gabe Roth, # <u>3</u> Exhibit A to Roth Declaration, # <u>4</u> Exhibit B to Roth Declaration, # <u>5</u> Exhibit C to Roth Declaration, # <u>6</u> Exhibit D to Roth Declaration)(France, Elizabeth) Modified on 7/28/2018 (jf). (Entered: 07/16/2018) |
| 07/16/2018 | <u>5</u> | NOTICE of Appearance by Elizabeth J. Shapiro on behalf of All Defendants (Shapiro, Elizabeth) (Entered: 07/16/2018) |
| 07/16/2018 | <u>6</u> | NOTICE of Appearance by Rebecca Michelle Kopplin on behalf of U.S. NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (Kopplin, Rebecca) (Entered: 07/16/2018) |
| 07/17/2018 | | MINUTE ORDER: Defendant's Response to Plaintiff's Motion for Preliminary Injunction is due by July 23, 2018. Plaintiff's Reply is due by July 30, 2018. The court will hear oral argument regarding Plaintiff's Motion for Preliminary Injunction on August 3, 2018 at 9:30 am in Courtroom 9. Signed by Judge Tanya S. Chutkan on 7/17/2018. (lctsc2). (Entered: 07/17/2018) |
| 07/17/2018 | | Set/Reset Deadlines/Hearings: Response due by 7/23/2018. Reply due by 7/30/2018. Motion Hearing set for 8/3/2018 at 09:30 AM in Courtroom 9 before Judge Tanya S. Chutkan. (tb) (Entered: 07/17/2018) |
| 07/19/2018 | | Set/Reset Deadlines: Response to PI motion due by 7/23/2018. Reply due by 7/30/2018. Set/Reset Hearings: Motion Hearing set for 8/3/2018 at 09:30 AM in Courtroom 9 before Judge Tanya S. Chutkan. (tb) (Entered: 07/19/2018) |
| 07/20/2018 | <u>7</u> | MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Katherine Marie Anthony, :Firm- American Oversight, :Address- 1030 15th St, B255. Phone No. - 2028973918. Filing fee \$ 100, receipt number 0090-5598228. Fee Status: Fee Paid. by FIX THE COURT (France, Elizabeth) (Entered: 07/20/2018) |
| 07/20/2018 | <u>8</u> | NOTICE by U.S. NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (Kopplin, Rebecca) (Entered: 07/20/2018) |
| 07/20/2018 | <u>9</u> | NOTICE OF WITHDRAWAL OF MOTION by FIX THE COURT re <u>4</u> MOTION for Preliminary Injunction (France, Elizabeth) (Entered: 07/20/2018) |
| 07/22/2018 | | MINUTE ORDER: In light of <u>9</u> Plaintiff's Notice of Withdrawal of Motion for a Preliminary Injunction, the hearing scheduled for August 3, 2018 is hereby vacated. Signed by Judge Tanya S. Chutkan on 7/22/2018. (lctsc2). (Entered: 07/22/2018) |
| 07/25/2018 | | MINUTE ORDER: Granting <u>7</u> Motion for Leave to Appear Pro Hac Vice. Attorney Katherine Marie Anthony is hereby admitted pro hac vice to appear in this matter on |

| | | |
|------------|-----------|--|
| | | behalf of Plaintiff. Signed by Judge Tanya S. Chutkan on 7/25/18. (DJS) (Entered: 07/25/2018) |
| 08/08/2018 | <u>10</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 7/12/2018. (Answer due for ALL FEDERAL DEFENDANTS by 8/11/2018.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 7/16/2018., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. NATIONAL ARCHIVES AND RECORDS ADMINISTRATION served on 7/16/2018 (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Anthony, Katherine) (Entered: 08/08/2018) |
| 08/10/2018 | <u>11</u> | NOTICE of Appearance by Austin Ridgely Evers on behalf of FIX THE COURT (Evers, Austin) Main document replaced on 8/15/2018 (znmw). (Entered: 08/10/2018) |
| 08/13/2018 | <u>12</u> | ANSWER to Complaint by U.S. NATIONAL ARCHIVES AND RECORDS ADMINISTRATION.(Kopplin, Rebecca) (Entered: 08/13/2018) |
| 08/13/2018 | | MINUTE ORDER: Before the Court in this FOIA case are a complaint and an answer. The requirements of LCvR 16.3 and Rule 26(f) of the Federal Rules of Civil procedure appear to be inapplicable. IT IS HEREBY ORDERED that the parties shall meet and confer and propose a schedule for proceeding in this matter. The schedule shall address the status of Plaintiff's FOIA request, the anticipated number of documents responsive to Plaintiff's FOIA request, the anticipated date(s) for release of the documents requested by Plaintiff, whether a motion for an Open America stay is likely in this case, whether a Vaughn index will be required in this case, whether and when either party anticipates filing a dispositive motion, and any other pertinent issues. The parties shall file a joint status report that addresses these issues and that contains a proposed schedule and proposed order no later than 9/14/18. Signed by Judge Tanya S. Chutkan on 8/13/18. (DJS) (Entered: 08/13/2018) |
| 08/14/2018 | | Set/Reset Deadlines: Joint Status Report due by 9/14/2018. (tb) (Entered: 08/14/2018) |
| 09/14/2018 | <u>13</u> | Joint STATUS REPORT by U.S. NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (Attachments: # <u>1</u> Text of Proposed Order)(Kopplin, Rebecca) Modified on 9/19/2018 (ztd). (Entered: 09/14/2018) |
| 09/18/2018 | | MINUTE ORDER: Having considered the parties' joint status report <u>13</u> , it is hereby ordered that the parties shall submit another joint report and proposed order by October 15, 2018. Signed by Judge Tanya S. Chutkan on 9/18/18.(DJS) (Entered: 09/18/2018) |
| 09/20/2018 | | Set/Reset Deadlines: Joint Status Report due by 10/15/2018. (tb) (Entered: 09/20/2018) |
| 10/09/2018 | <u>14</u> | NOTICE of Change of Address by Rebecca Michelle Kopplin (Kopplin, Rebecca) (Entered: 10/09/2018) |
| 10/15/2018 | <u>15</u> | Joint STATUS REPORT by FIX THE COURT. (Attachments: # <u>1</u> Text of Proposed Order)(France, Elizabeth) (Entered: 10/15/2018) |
| 10/18/2018 | | MINUTE ORDER: Having considered the parties' joint status report <u>13</u> , it is hereby ordered that the parties shall file another joint report and proposed order by November 15, 2018. Signed by Judge Tanya S. Chutkan on 10/18/18. (DJS) (Entered: 10/18/2018) |
| 10/22/2018 | | Set/Reset Deadlines: Joint Status Report due by 11/15/2018. (tb) (Entered: 10/22/2018) |
| 11/15/2018 | <u>16</u> | Joint STATUS REPORT by FIX THE COURT. (Attachments: # <u>1</u> Text of Proposed Order)(France, Elizabeth) (Entered: 11/15/2018) |
| 11/21/2018 | | MINUTE ORDER: Having considered the parties' Joint Status Report <u>16</u> , it is hereby ordered that the parties shall file another joint report and proposed order by 1/7/19. Signed by Judge Tanya S. Chutkan on 11/1/18. (DJS) (Entered: 11/21/2018) |

| | | |
|------------|-----------|--|
| 11/26/2018 | | Set/Reset Deadlines: Joint Status Report due by 1/7/2019. (tb) (Entered: 11/26/2018) |
| 01/02/2019 | <u>17</u> | MOTION to Stay <i>Joint Status Report deadline</i> by U.S. NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (Attachments: # <u>1</u> Text of Proposed Order)(Kopplin, Rebecca) (Entered: 01/02/2019) |
| 01/02/2019 | | MINUTE ORDER: Granting <u>17</u> Motion to Stay. The parties' January 7, 2019 deadline to file a joint status report is hereby STAYED. Defendant's counsel shall notify the Court as soon as Congress has appropriated funds for the Department of Justice, and Department of Justice attorneys are permitted to resume their usual civil litigation functions. It is further ordered, that all current deadlines for the parties shall be extended commensurate with the duration of the lapse in appropriations. Signed by Judge Tanya S. Chutkan on 1/2/19. (DJS) (Entered: 01/02/2019) |
| 01/28/2019 | <u>18</u> | NOTICE of <i>Restoration of Appropriations</i> by U.S. NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (Kopplin, Rebecca) (Entered: 01/28/2019) |
| 01/31/2019 | <u>19</u> | STIPULATION of Dismissal by FIX THE COURT. (France, Elizabeth) (Entered: 01/31/2019) |
| 01/31/2019 | <u>20</u> | ORDER OF DISMISSAL: Dismissing action with prejudice. Signed by Judge Tanya S. Chutkan on 1/31/19. (DJS) (Entered: 01/31/2019) |